

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5614 of 2013

In
Civil Writ Jurisdiction Case No. 911 of 2005

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Dr. Shobh Nath Ram Anokha, Son Of Sri Indrajit Ram, Rersident Of
Village And P.O.-Devadhiya, P.S.-Rajpur, District-Buxar Pin Code No.-
802122, Present Address-Mitra Lok Colony, Pandey Patti, Buxar
(Mufassil), District-Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Buxar
3. The Sub-Divisional Officer, Buxar
4. The Special Officer, Municipal, Buxar
5. The Executive Engineer, Son of Canal Division, Buxar
6. The Assistant Engineer, Building Sub-Division, Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Deo Singh

For the Opposite Party/s : Mr. Mahboob Ashraf, AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 19-08-2015 Perused the explanation furnished by Mr.Santosh Raj
Manohar, the Assistant concerned, in compliance of the order
dated 05.08.2015.

For the reasons disclosed, the explanation is
accepted, but he is warned to be careful and vigilant in future and
shall not repeat such mistake.

MJC No.5614 of 2013

The present MJC application has been filed for
restoration of CWJC No.911 of 2005, which stood dismissed for
want of prosecution by an order dated 05.05.2011 passed by this
Bench.

After having heard the parties and for the reasons
disclosed in the present application, the prayer for restoration is

allowed. CWJC No.911 of 2005 is restored to its original file.

The present MJC application stands finally disposed of.

CWJC No.911 of 2005

With the consent of the parties, this matter has been taken up for consideration on merits.

In view of the nature of grievances/claims raised on behalf of the petitioner, which has been fully detailed in para 1 of the writ petition, this Court is of the opinion that interest of justice shall be sub-served, if the petitioner is granted liberty to file a comprehensive representation before the respondent District Collector, Buxar, raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed by the petitioner with all supporting documents as also the certified copy of the present order before the respondent District Collector, Buxar within a period of four weeks from today, then the respondent District Collector, Buxar either himself or any other competent authority of the respondent State, as per direction of the respondent District Collector, Buxar, shall be obliged to consider and decide the claims raised on behalf of the petitioner, after giving an opportunity of hearing to all concerned, by a reasoned and speaking order, at an early date, preferably within a period of three months from the date of filing of such comprehensive representation by the petitioner.

If on consideration of the materials, the competent authority comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then the consequential orders shall also be issued for grant of such admissible claims without

any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and the same is left to be decided by the competent authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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